

# Council Policy

## Outbuilding Control



### POLICY OBJECTIVES

This policy seeks to:

- a) To accommodate outbuildings that meet the needs of the residents whilst being appropriate for the zone and land use;
- b) Ensure that outbuildings do not have adverse impacts on the streetscape, character, amenity, landscape or environmental attributes of the surrounding area;
- c) Exempt certain outbuildings from requiring Development Approval; and
- d) Provide guidance on the Development Approval requirements for outbuildings.

### POLICY DETAIL

Outbuildings are recognised as an important addition to residential dwellings as well as necessary for supporting agricultural and other rural land uses.

Existing residential areas in Narembeen differ from metropolitan areas and are characterised by relatively large (av 1000sqm) lots. Narembeen residents also tend to lead different lifestyles to those in metropolitan areas. Large lot sizes combined with a regional outdoor lifestyle has resulted in residents needing outbuildings such as sheds and carports that exceed the deemed-to-comply criteria of the Residential Design Codes (R-Codes), particularly in respect of floor area and wall height. This is largely due to the garaging of vehicles, boats and caravans or to provide domestic workshops, games rooms and studios.

This Local Planning Policy identifies further guidance on acceptable variations to the R-Codes that are appropriate to the established local character and amenity plus the needs of the Narembeen community.

### POLICY SCOPE

This policy applies to all outbuildings, sheds, and any roofed attachments on land zoned Residential and Town Centre zoned lots as well as Shire managed Reserves in the Shire of Narembeen.

An application for development approval is required to be lodged for all outbuildings that are not identified as exempt (i.e. not requiring development approval) the exemption section of this policy or other Statutory Exemptions.

This policy **does not** apply to Industrial, Farming, Rural Enterprise or Special use zones.

### APPLICATION REQUIREMENTS

To construct an outbuilding, the applicant must complete and submit:

- a) An Application for Development Approval Form;
- b) Scaled site plan, floor plan and a minimum of 2x elevation plans; and
- c) Any other information or documentation that the assessing officer requires to verify that the objectives of the Scheme will be achieved.

### STATUTORY EXEMPTIONS

This Section provides guidance on the existing statutory development approval exemptions that apply to the construction of sheds and outbuildings. This section of the Policy has no implementation purpose, but merely highlights the exemptions of other planning instruments.

### THE DEEMED PROVISIONS

The deemed provisions exempt outbuildings from development approval when the R-Codes

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apply, and all the applicable 'deemed-to-comply' provisions of the R-Codes are met.

### POLICY EXEMPTIONS

The following outbuildings are exempt from requiring development approval:

An Outbuilding which:

- a) has a floor area not exceeding 10m<sup>2</sup>; and
- b) is no more than 2.4m in height; and
- c) complies with any applicable development standards of the Scheme or 'deemed-to-comply' standards of the Residential Design Codes.

For example:

- Prefabricated garden sheds;
- Cubby houses;
- Aviaries;
- Dog kennels;
- Chicken coups; and
- Pool pump sheds

### DEVELOPMENT PROVISIONS

Any element of an outbuilding proposal that is not considered exempt under the above clauses or is proposed on a Shire managed reserve, requires a development approval, and will be assessed using the development provisions below.

Meeting these conditions is not a guarantee for development approval and approval is subject to the discretion of the Shire of Narembreen. All outbuildings proposed by a lessee on a Shire managed reserve requires development approval.

Table 1 – Development Provisions According to Zone / Size

	Residential <1000m <sup>2</sup>	Residential >1000m <sup>2</sup>	Town Centre
Max Aggregate Floor Area	100m <sup>2</sup> or 12% of site whichever is less	150m <sup>2</sup> or 12% of site areas whichever is less	250m <sup>2</sup> or 12% of site areas whichever is less
Max Wall Height	3.5m	3.5m	6m
Max Ridge Height	4.5m	5m	9m
Setbacks	As per scheme and R-codes		
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### VARIATIONS OF DEVELOPMENT REQUIREMENTS

Applications seeking variations to this Policy shall be determined in accordance with:

- The purpose and objectives of this Policy;
- The Local Planning Scheme –
  - Aims of the Scheme;
  - Reserve objectives;
  - Zone objectives; and
- Schedule 2 cl. 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 - Matters to be Considered by Local Government.

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### CONSULTATION

A proposal that is not in accordance with one or more clauses of this Policy may be advertised in accordance with the provisions of cl. 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. Advertising may include:

- notification by post, email or other means of communication to property owners and occupiers that the Shire considers to be affected by the granting of development approval;
- publishing of a notice of the proposed development in a local paper;
- onsite signage;

The cost of any advertising in a paper and/or signage shall be met by the applicant.

### DEFINITIONS

**Aggregate Floor Area** means the gross total area of all floors of outbuildings on a lot. For the application of this policy this includes any roofed attachments.

**Carport** means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

**Enclosed** means an area bound on three or more sides by a permanent wall and covered by a water impermeable structure.

**Garage** means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to a dwelling.

**Outbuilding** means an enclosed non-habitable structure that is detached from any dwelling, but not a garage. It also includes any roofed attachments.

**Patio** means an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.

**R-codes** means State Planning Policy 7.3 Residential Design Codes. These can be sourced at <https://www.dplh.wa.gov.au/rcodes>.

**Roofed attachments** means any roofed structure attached to, or within 500mm of, the outbuilding irrespective if they are an enclosed or unenclosed structure.

**Unenclosed** means an area bound on no more than two sides by a permanent wall/infilling feature.

### RELATED LEGISLATION

Local Government Act 1995

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

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### DELEGATED AUTHORITY

Delegation HBP7 – Town Planning Functions allows CEO approval for applications which meet the Deemed Provisions or the parameters of this policy. However, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (a) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (b) Where written objection is received to the proposal from any statutory agency;
- (c) Where the proposal is inconsistent with the intent of the Town Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan or Local Planning Strategy adopted by Council;
- (d) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Town Planning Scheme or any Policy and written objections have been received within the time specified, unless in the opinion of the Chief Executive Officer:
  - (i) the proposal is for exercise of discretion under the R-Codes and is consistent with the intent of the Town Planning Scheme, Residential Design Codes and any relevant Policy; and
  - (ii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
  - (iii) the objection does not relate to valid planning and development issues associated with the proposal.
- (e) Where, in the opinion of the Chief Executive Officer:
  - (i) Any of the requirements of this policy are not satisfied; or
  - (ii) There is insufficient certainty as to whether the application complies with the intent of the Scheme, Residential Design Codes or any relevant Council Policy; or
  - (iii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
  - (iv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
  - (v) A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire.

### REVIEW DATE

August 2024

### HISTORY

Adopted: MIN:

Reviewed: MIN:

Reviewed: MIN: